

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 366

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3077F, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY ENTER INTO AGREEMENTS WITH OTHER STATES FOR THE MUTUAL OFFSET OF ANY REFUNDS OR OTHER AMOUNTS DUE AND PAYABLE BY EITHER PARTY AGAINST SUCH TAX LIABILITIES OWED TO THE OTHER PARTY TO THE AGREEMENT SUBJECT TO CERTAIN CONDITIONS AND LIMITATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3077F, Idaho Code, and to read as follows:

63-3077F. AGREEMENT WITH OTHER STATES FOR OFFSET OF REFUNDS. (1) The state tax commission may enter into agreements with another state of the United States relating to tax imposed under the laws of the other state, including additions to tax for penalties and interest, which is finally due and payable to that state by a taxpayer. The agreement may provide for the mutual offset of any refunds or other amounts payable by either party against such tax liabilities owed to the other party to the agreement.

(2) Any such agreement shall require that no offset may be made unless all administrative and judicial remedies available in the other state have been exhausted or have lapsed, and the tax is legally enforceable under the laws of the other state against the taxpayer, whether or not there is an outstanding judgment for such sum.

(3) No refunds from this state shall be available for offset against any debt owed another state until any debts subject to offset that are owed to this state or agency thereof or subject of offset under sections of this chapter have been satisfied.

(4) The state tax commission shall not enter into an agreement under this section unless the terms of the agreement are fully reciprocal as to offsets of refunds payable by the other state to pay tax liabilities of this state.